

TENTATIVE RULINGS for CIVIL LAW and MOTION
December 14, 2009

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. Copies of the tentative rulings will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department 15: (530) 406-6942

TENTATIVE RULING

Case: **Bradford v. Edward C. Jones & Co.**

Case No. CV CV 09-2246

Hearing Date: **December 14, 2009** **Department Fifteen** **9:00 a.m.**

The petition to compel arbitration and motion to stay proceedings pending arbitration are **GRANTED**. (Code Civ. Proc., §§ 1281.2 and 1281.4; 9 U.S.C. § 3; *Zolezzi v. Dean Witter Reynolds, Inc.* (1986) 789 F.2d 1447; Declaration of Paul Foster ¶¶ 1-5 and Exhibits A-C; Declaration of Helen D. Hsueh ¶¶ 1-4 and Exhibits A-C; Declaration of Christopher Bradford, ¶¶ 1-11.)

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: **Egan v. Diaz**

Case No. CV CV 09-2279

Hearing Date: **December 14, 2009** **Department Fifteen** **9:00 a.m.**

Defendants' motion to vacate the default and default judgment is **GRANTED**. (Code Civ. Proc., 437, subd. (b).) Defendants shall file their answer by December 18, 2009.

If no hearing is requested, this tentative ruling is effective immediately. No formal order pursuant to California Rules of Court, rule 3.1312 or further notice is required.

TENTATIVE RULING

Case: **Ramos Oil Co., Inc. v. Santillan Earthmovers, Inc.**

Case No. CV G 08-2526

Hearing Date: **December 14, 2009** **Department Fifteen** **9:00 a.m.**

Plaintiff Ramos Oil Co. Inc.'s motion to strike Defendant Santillan Earthmovers, Inc. from the answer is **GRANTED WITH LEAVE TO AMEND**. (Code Civ. Proc., §§ 435 *et seq.*)

Defendant Guillermo Santillan filed an answer on behalf of himself and Santillan Earthmovers, Inc., *in propria persona*. Mr. Santillan is not a lawyer. A corporation, unlike a natural person, cannot represent itself before courts of record *in propria persona*, nor can it represent itself through a corporate officer, director or other employee who is not an attorney. It must be represented by licensed counsel in proceedings before courts of record. (*CLD Construction, Inc. v. City of San Ramon* (2004) 120 Cal.App.4th 1141, 1145.) An answer filed by a self-represented corporation is a curable defect. (*Id.* at 1152.)

Defendant shall file its amended answer through counsel by **January 15, 2010**.

If no hearing is requested, this tentative ruling is effective immediately. Plaintiff is directed to serve a copy of this tentative ruling on Defendant by December 15, 2009. No formal order pursuant to California Rules of Court, rule 3.1312, or further notice, except as provided herein, is required.

TENTATIVE RULING

Case: **Zochlinski v. The City of Davis**
 Case No. CV PT 09-2287

Hearing Date: **December 14, 2009** **Department Fifteen** **9:00 a.m.**

This matter is **CONTINUED** on the Court's own motion to Wednesday, January 20, 2010, at 9:00 a.m. in Department Fifteen.